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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TAMMY J.

1:23-CV-01176-MK

Plaintiff,

v.

ORDER FOR EQUAL
ACCESS TO JUSTICE
FEES

MARTIN O'MALLEY,
Commissioner of Social Security,
Defendant.

Based upon the stipulation of the parties, Plaintiff is here by awarded **\$6437.33** in fees under the EAJA. Under *Astrue v. Ratliff*, 130 S. Ct. 2521, 2528-29 (2010), EAJA fees awarded by this Court belong to the Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Any EAJA fees should therefore be awarded to Plaintiff and not to Plaintiff's attorney. If, after receiving the Court's EAJA fee order, the Commissioner (1) determines that Plaintiff has assigned his right to EAJA fees to his attorney; (2) determines that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, and (3) agrees to waive the requirements of the Anti-Assignment Act, then the EAJA fees will be made payable to Plaintiff's attorney.

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However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and the remaining EAJA fees after offset will be paid by a check made out to Plaintiff but delivered to Plaintiff's attorney at the following address: Alan Stuart Graf, Attorney, 825 Merrimon Ave, Ste C, PMB # 354, Asheville, NC 28804.

It is so ORDERED

Dated this 3rd, day of June 2024

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States Magistrate Judge

Prepared as to form

/s/ Alan Graf
Attorney for Plaintiff